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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,329	08/19/2003	Juan Fernandez	PROTOM 3.0-020	4006
530	7590	04/15/2005	EXAMINER	
LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			ALEXANDER, REGINALD	
			ART UNIT	PAPER NUMBER
			1761	

DATE MAILED: 04/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/643,329

Applicant(s)

FERNANDEZ ET AL.

Examiner

Reginald L. Alexander

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) 22-36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-21, 37 and 38 is/are rejected.
- 7) ☒ Claim(s) 39 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 18 August 2003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Election/Restrictions

Applicant's election of Group I, claims 1-25 and 37-39 in the reply filed on February 14, 2005 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 and 12-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Hanke '297.

There is disclosed in Hanke a cooking utensil, comprising: a base 10 having an interior surface including a lower portion forming a cooking surface; a detachable, angled handle 18, 22 providing a pistol-type gripping portion, the handle being two exchangeable handles; a pivotal connection 15 providing a handle attachment on the cooking vessel; an interior handle lock 20; and a handle release device 21.

Claims 15-21 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Wang.

There is disclosed in Wang a cooking vessel, comprising: a base 10 having an interior surface including a lower portion 11 providing a main cooking surface; an upper

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portion 12', 12" on the interior surface, the upper portion being textured differently than the main cooking surface, the texture being a pattern of elongate recesses or grooves 25, 29 which form dimples 24, 27; and an angled handle 15 attached to the vessel. Wherein the textured surface has a higher coefficient of friction due to the pattern of grooves or recesses formed therein.

Claims 22-24, 37 and 38 are rejected under 35 U.S.C. 102(b) as being anticipated by Eimerman.

There is disclosed in Eimerman a cooking vessel, comprising: a base portion 19; at least two interchangeable handles 10, 10a (see figures 1, 1a) attachable to the vessel, and one of which handles 10 is an elongate, angled gripping handle, and the other handle 10a is a serving handle that does not extend as far from the vessel; a predetermined attachment point 18 at which the handles can be attached or detached, the predetermined attachment point is also functionable as a permanent handle; a safety release 34 to prevent inadvertent release of the handle; and an interior handle lock 22.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5 and 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hanke '297 in view of Wang.

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Hanke, as discussed above, discloses the claimed subject matter except for a textured food retention surface above the main cooking surface.

Wang, as discussed above, discloses a textured cooking surface including the texture being a pattern of elongate recesses or grooves 25, 29 which form dimples 24, 27.

It would have been obvious to one skilled in the art to provide the cooking vessel of Hanke with the retention surface taught in Wang, in order to allow for the separation of food items during a cooking process.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hanke '297 in view of Hung.

Hung discloses the use of a detachable casserole-style handle 1 or elongate handle 3.

It would have been obvious to one skilled in the art to substitute one of the handles of Hanke with the casserole-style handle disclosed in Hung, in order to provide an alternative handle arrangement.

Allowable Subject Matter

Claim 39 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

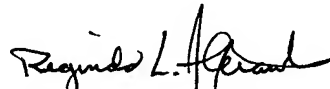
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents to Graj et al., Hanke '860 and Lemme et al. are cited for their disclosure of the state of the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reginald L. Alexander whose telephone number is 571-272-1395. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on 571-272-1398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

rla
April 14, 2005


Reginald L. Alexander
Primary Examiner
Art Unit 1761